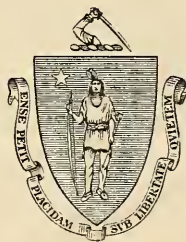


The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1934



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ANNUAL REPORT FOR THE YEAR ENDING
November 30, 1934

RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*

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The numerical count for the year shows but little change in the situation as to planning boards and zoned places. Efforts to revive the boards in Andover and Milford were quite successful in the former, not so much so in the latter. Stockbridge established the only new board.

Three new zoning by-laws have been adopted. Wilmington and Wayland enacted quite good laws, comprehensive in nature. Stockbridge enacted an elementary form of use zoning. Winchester changed lot sizes in her single-family areas from 6,500 square feet to 10,000 and 15,000, both applicable to considerable areas; and Weston changed a large area from 10,000, which formerly applied to the whole town, to 15,000. These are in keeping with the trend of development in these towns and will have great protective value, reacting helpfully on the tax rate.

Now that population in the state as a whole is becoming static in numbers, some places will grow and others will decrease, the factor of competition being the general conditions in towns as to functional efficiency, tax rates, and the protection given to those who buy or build there. A place unzoned, or well zoned but where the board of appeals constantly breaks down the law, will decrease or grow but little, and its expenses will increase, while in protected places the opposite will prevail.

There is much activity in zoned places, and some evidence of renewed activity among planning boards. Zoned places are placid in the face of violations, or are putting effort into protecting their laws, and their towns, not always with perfect success. Fifteen to 25 per cent of the stores in a town may be vacant, and many others barely hanging on, but almost every day there is somewhere a notice of hearing to add new business through spot zoning, or of appeal to persuade a board of appeals to exceed its powers and violate the law. The 1933 amendment of the zoning statute greatly increased the powers of boards of appeal to protect their towns, by making it illegal for them to exceed their powers. The former law was more vague.

The number of calls for help in interpreting laws, in preparing constructive amendments, and in outlining procedure and arguments for removing violations is increasing. These calls are probably four to one for help in getting new work started. The state is much more active than the increase of boards and zoned places would indicate. The main activities are in zoned places, actual planning and the adoption of new zoning laws being less significant. If all places were zoned, all activity in the zoning field would be towards improving and enforcing zoning laws. It is towards this that we must travel. Zoning continues to arouse more civic interest than any other local activity, and it promises to hasten the day when towns will elect and support capable officials, instead of contenting themselves with officials who require such constant watching as now is required in many places.

NEEDED LEGISLATION

Massachusetts needs a planning enabling law and a state planning board. These proposals have been twice before the legislature, but too few people are planning-minded and this, coupled with inertia partly due to economic conditions, have resulted in nothing.

Planning Enabling Law

The Massachusetts planning law consists of three short sections passed twenty-one years ago, plus a board of survey law which is elementary, vague, and not effective. Planning boards must be more active, their duties must be more clearly outlined, and the people must support them. Weakness in these respects results in inconvenience, loss of time, accidents and terrific financial loss. A planning board properly administered costs a little money, but it will save much money. There is no better investment than a small amount spent for sound plans and for a suitable and effective zoning system.

We complain over taxes and refuse to do the only sensible things which will constructively reduce taxes. We are so accustomed to waste, inefficiency, and negligence that we refuse to apply a remedy. Complaining cures nothing in sickness. It does no more in public affairs. It is time to act. Where complaining results in no constructive action it is merely silly. Where it finally leads to destructive action it is vicious. Because of lack of vision most of the resultant action at the present time is vicious.

No present law, or hitherto proposed law, permits proper regulation of new subdivisions. A subdivider may do pretty much as he pleases, which generally means that he lays out land where there is no need and then does little more than to plow a furrow on each side to indicate streets laid out with no coordination with existing streets. Places with active boards of survey and zoning laws regulating lot sizes may partially regulate, but they have no control as to the amount of such development.

There are in the country now probably enough laid-out but undeveloped lots to care for 100,000,000 people. This means that there are now more subdivisions than will ever be needed. The bulk of these lots will never be used because of faulty lay-out and location. On the other hand, there is much land properly located for development which has not been laid out. This points to the imperative need of strict subdivision control. Every new subdivision should be accompanied by a certificate of public necessity and convenience, and certain amounts of street and utility development should be required, under bond.

In the absence of these features all we will accomplish will be more expense, inefficiency, a rising tax rate and a decreasing tax base. If bad planning and encroachments are allowed to continue the only result must be unstable values, heavy expenses, and prolonged financial distress. The results of the work of the land butcher are to be seen everywhere. It is suicidal to continue along present unregulated lines.

These improperly located and badly planned subdivisions necessitate many miles of unnecessary streets and services. Our industries and businesses do not plan their buildings for the utmost inefficiency and expense, and it is time for our taxpayers associations, made up mainly of industrial and business men, to support sound planning simply because of its reaction on local expenses. Sound planning has wide social utility, reacting helpfully on all aspects of community life.

State Planning Board

State planning is even more essential than town planning. All elements of the physical development of the state must be coordinated, each element within itself, and in relation to all other elements. This applies to highways, to public open spaces, of which we have too few, to state forests, to areas for protecting public water supplies, to public institutions, and to all other elements of the physical development of the area. And just as important is a policy for the protection of main highways after they are developed. We are wasting as much money through failure to protect what we do as in any other way. We may illustrate both of these points by recent examples.

The East Boston vehicular tunnel connects the most congested portion of Boston with an island. The interchange of traffic between these two points is limited primarily by what originates on the island, moves towards Boston in the morning and returns in the evening. It seems never to have been considered as to whether this amount of traffic would justify the millions which the tunnel cost. Tolls are charged and the enterprise does not justify itself. It is therefore proposed to spend more millions to develop a way across the island, then on to the mainland, and

make it a through route to the north. A little of this through traffic may be expected to originate in the old city, but the bulk of it, if it is ever to amount to anything, must come from other parts of the city and from points north and south. But the old city is so overdeveloped with buildings in relation to its street system that traffic can't pass through it, and more millions are to be spent to finish the already partially developed circumferential by-pass so that traffic may be cleared as rapidly as possible around the city. Through traffic is to be cared for in this way. The question arises as to just why the East Boston vehicular tunnel was built, and as to the soundness of such planning, such coordination — or does it merely mean the absence of planning and coordination?

The Boston-Worcester road cost \$175,000 per mile. It was, presumably, developed to expedite traffic. Its borders are unprotected, dance halls, filling stations, stores, all kinds of uses are developing on its bordering lands. Parked cars, many and increasing intersecting streets, private driveways, occupy the lanes of travel and interfere with the movement of traffic. One car parked in every 500 feet will effectively keep traffic out of one lane of travel, slow down the inner lane to the speed of the slower vehicle, or oblige passing to the right when a chance comes between parked cars. Cars entering from private ways will frequently block such passing. A four-lane way, two rapid, two slow, will thus be reduced to two slow. At least three additional ways of the same kind will have to be built to clear the traffic this road, protected, could clear.

It is assumed that planning costs money. Planning, budgeting, scheduling developments according to need, save money and will do more to promote economy and efficiency than anything else. Right planning and protection in the two cases used as illustrations would have saved a capital fund which would have paid the cost of state and local planning for all time, and this would guarantee the saving of many billions.

A point impressing many people is that their main chance of enjoying the natural beauty, of which we have so much, is from these main thoroughfares. They desire that these ways be protected for this reason. To expedite traffic, to reduce traffic hazards, to protect natural beauty, it therefore becomes necessary that these ways become freeways, as they have been called. The matter of expense will finally force the freeing of these ways from all interference, and the expense of making them free will be increased a hundred fold if it is not done now.

The thoughtless argue that such ways develop great opportunities for business and that taxable values may be increased by using abutting lands for business purposes. This is stressed by the owners of the land and by town officers. The facts are that main highway frontages are to a very limited degree good business frontages. If the lands bordering our state highways alone were solidly and substantially developed for business they would meet the trading needs of 50,000,000 people. We have not, and will not have, that many people. Moreover, we already have more or less well developed business frontages extensive enough to meet the needs of more people than we will ever have, and we have zoned for business, omitting all state highway frontages, five times as much land for business as can ever be used in a sound economical way.

Our main highways must be used for expediting traffic. If we want to enjoy our highways and support our summer industry we must protect the natural beauty along their borders.

TOWN PLANNING

The primary motive of town planning has come to mean mainly efforts at solving traffic problems. The basic American system was naturally and sensibly confined to as few streets and roads as possible, and of a width to permit two vehicles to pass with reasonable convenience. But finally cities developed. Even when buildings were low and somewhat far apart, it became customary, because necessary, to widen central streets in order to clear traffic. The greater the city the greater the traffic needs in the main centers; and the problem increased in seriousness. Much thought was given to it, but the shoe didn't pinch sidewise and endwise enough to produce corns and the loss of toenails.

Then, almost at the same time, came the steel frame building and the automobile. Overnight the problem grew in magnitude, but the human intellect doesn't expand

in a hurry. The mind of man was not capable of solving this problem and meeting the needs of this growth while growth was active. It came, however, to be accepted that better and wider streets were necessary, and that good roads should connect the cities one with another.

Good streets and roads came first, rapidly, unsoundly in large part because of no planning or coordination, all because automobile drivers became vociferous. It resulted in a street improvement and road building era such as the world had never seen.

In the meantime buildings became higher and automobiles blossomed like a cherry tree in springtime. This called for more roads, better and wider roads. Two basic mistakes have become manifest, but, as with all other problems where conflicting interests are involved, narrow interests, rather than true statesmanship, are still in control.

The two outstanding errors lie in failure to recognize the imperative relationship between bulk of buildings and width of streets and open spaces, within cities, and the need of protecting inter-city roads for the purpose for which they are built.

We try to develop upon the existing street system a bulk of buildings, and the entailing demand for traffic facilities, anywhere from four to ten times what the street system can carry. The problem cannot be solved by widening existing streets. To attempt it is to throw the whole existing system out of gear. If it is proper in all respects to build to 600 feet in height with a 100 per cent lot coverage, streets must be about 600 feet wide. It is possible only on an entirely new layout. And even then it would arrive nowhere.

The present street layout, if adapted to excessively high buildings, would require street widening to such an extent that there would be left valueless lot sizes. Excessively high buildings necessitate excessively wide streets, and there are basically sound reasons against both. High buildings are more expensive, per cubic yard of usable space, than lower buildings. This comes from heavier foundations, thicker walls, wind bracing, and the amount of space required for elevators and services. Excessively wide streets, the only kind that can care for excessively high buildings, are practically and economically unjustifiable. By practically unjustifiable we mean that when you go over a four-lane way the cross traffic problem becomes impractical. A twelve-lane way will care for more traffic than a two-lane way, if all traffic were in two directions. It isn't, and that is all there is to it. Streets have to bear a ratio to the demands placed upon them. If you can't widen them the only thing you can do is to limit the traffic demands placed upon them.

Take any given ten square miles to be newly developed as a city center. The bulk of buildings which may be usable depends upon the street space, whatever the land-owner and politicians may say or desire. If the buildings are so high, the streets must be so wide. If the buildings are 200 feet high the streets must be at least 200 feet wide, for light and ventilation as well as for traffic clearance. Suppose, on the other hand, buildings are 50 feet high and streets are 50 feet wide, what is the difference? Figure it out. Inch for inch and ounce for ounce some fishermen say the bass is the greatest fish for sport. The difference is that in the case of the bass, if the fisherman goes with too light tackle or too little skill, he loses his fish, while in the case of a city, where the length and width of streets exceed the tackle and skill (the plan and design of streets), the people lose, not only the fish, but all they have spent for the tackle. It doesn't pay, it doesn't work, it is fatal to tax association ideas, to city development and perpetuity.

As to main highways, inter-city ways, they are built at great public expense, mostly at the expense of automobilists through the gas tax, to facilitate traffic. Each new road is built on land for which the owner is paid many times its assessed value, and which assessment he always says is too high. After the road is built the abutting land owner expects to appropriate the road entirely to his own uses. Through a right use of the road a landowner has enormous advantages. From it at some proper point he has access to his land and may convert the whole to any use for which there is any need. Where there is need each development, with its proper system of streets, can function and cause no injury to the main way. But the main way must be restricted to traffic uses. It is killed if it is unrestricted.

ZONING

Under the head of "Zoned, but Zoneless" we last year pointed out the futility of zoning with improper norms of control. The general question has been discussed in many places and from many points of view in recent months. There is common agreement among the more serious students that what we have is meaningless, in most cases even pernicious, and that it is time for us to rewrite our zoning laws so that they may accomplish the major social purpose for which they were originally designed.

Two things are essential if we are to make zoning effective. First, a zoning law must be so written that it will produce results. It must establish norms as definite in their relationships as that between the power of an engine and the weight of the load. Second, the law must be enforced. Our zoning laws are in general deficient in both these respects.

When relationships are to be established between two physical and mutually interdependent things, the ideal way is to agree upon function, purpose, the totality of both, and then work out the relationships. When either of two essential elements is already fixed, we develop the other element in relationship. When we have an uncovered building 25 by 30 feet in size we do not cover it with a roof 500 by 600 feet in size. Our street systems were developed to meet needs totally different from those of the present time. Their planning did not anticipate the demands we now place upon them.

The primary purposes of zoning are to adapt certain things yet to be done to certain related things already done, so that the two may complement each other and function together. Neither function should be allowed to destroy the other function.

Assume any street system as already existing, and in the main all the street systems we will ever need do already exist, the problem is to adjust all that we do to the street system. The basic needs are traffic clearance, the lighting of buildings, ventilation, fire protection, privacy. These things are inter-related, as well as being related to the street system. Whether a street system can clear the traffic of a given development depends upon the height and coverage — that is, bulk — of buildings (further affected by the size of the area involved). The height and coverage of buildings also control light, ventilation, fire protection, privacy; they affect health, police administration and make or break a city.

The facts are that cities have not been zoned for function, but to protect land values. And the best way to kill land values in a given area is to make it impossible for that area to function. New York City, with all its streets, subways, elevated ways, costing billions, functions miserably as it is. It is zoned to accommodate (?) 77,000,000 residents and 344,000,000 workers! The Back Bay in Boston, the 130 acres zoned for residence purposes, has 8,970 people in it now, while it is zoned for approximately 48,500 people. Its only possible future is residential and this future is vitiated by a zoning system which will produce an impossible traffic situation and results as to light, ventilation, fire hazard and privacy which will mean a glorified slum, half vacant, costing enormously for administration, producing a gradually decreasing tax return and a great loss of values. Buildings 80 feet high and covering 80 per cent of their lots would be quite valuable if they could function. But they can't function on the existing street system. People who can afford the rentals expected are not numerous, and they wouldn't live there anyway. Rentals would drop, the darker portions would remain vacant and — picture the results.

In this connection C. A. Dykstra, City Manager of Cincinnati, says: — "We have been living under the assumption of continuous growth and it now proves to be a slender reed upon which to lean. Disintegration has begun and slum areas have developed and become a charge on the taxpayers outside the slum area. We have come to the time when old values are being destroyed faster than new ones are being created."

Unbalanced Use Zoning

Almost all of our zoning for the use of buildings, structures and land is as unbalanced as our zoning for height and coverage. We know that for each one thousand

people there is needed only about 400 feet of business frontage, and that it is difficult to fully justify even this amount. But we still go on the assumption that if we zone more land for business, we can gain the difference in value as between residential and business uses. A real estate man in Los Angeles, Mr. George H. Coffin, Jr., has stated the situation in a clear way, under the heading "Zoned into Oblivion." "It was a wise man who said, 'You cannot make a silk purse out of a sow's ear.' Neither can you make business property out of subdividers' illusions, deed restrictions, or zoning classifications. Sound economic forces create the relatively limited frontage of any city which can profitably be devoted to business use. Unfortunately, most of the so-called business frontage was born of the wedlock between ignorance and speculation, and the naked miles of vacant lots along our arteries of travel are mute testimony to an economic waste of such proportions that the imagination is startled at the farce of perpetuating this needless waste into the eternity of tomorrow.

"I regret to state that much criticism must be directly charged to the greed of the property owners themselves, whether subdividers of large areas or individual lot owners, whose demands have been of such magnitude as to force the dedicating of otherwise usable frontages to eternal wastage by improper zone classification, thus making it possible during an active real-estate market to exploit such land, pocket the false value created by the establishment of a business zone, and depart leaving a trail of depleted residential value in their wake."

Mr. Coffin further points out that but 60 per cent of the area of Los Angeles is zoned, and that within this area there are 600 miles of streets zoned for business. This means 1,200 miles of business frontage, fully enough for 15,000,000 people. Not over 15 per cent of this frontage is now developed for business. We all know that everywhere there are more business buildings than can prosper. Los Angeles today can use effectively not over 10 per cent of the area it has zoned for business, and this is true of practically every large city in the country, and of many smaller ones. The same applies to even small towns and villages.

On top of this, further business areas constantly are being added through spot zoning, through maladministration by boards of appeal and through numerous violations ignored by building inspectors. Upwards of 300 violations of one particular type were ignored in the city of Salem, Massachusetts, before citizens took the matter to court, and the citizens won their first case.

It thus happens that, with all the fatal over-zoning for business, new intrusions are constantly permitted, more homes are injured, more people are driven out, more streets, water and sewer mains, and all municipal expenses are increased, the tax rate is increased, the people complain, and yet do nothing, and the maladministration goes on.

This, and many related things, prompt Mr. Virgil Jordan (doubtless not a wild theorist or he would not be president of the National Industrial Conference Board!) to say:—

"Anyone who has seen anything of the United States . . . and has looked with a candid eye at the conditions under which its people live and work today, must ask himself when, if ever, this country was built at all. In truth, almost everything we have . . . in the way of construction services, — homes, office buildings, factories, whole towns, compared with what we are quite capable of creating, is a mass of rotting rubbish. The American people are still living in the covered-wagon stage of construction, a pioneer people squatting in a series of frontier mining camps as though they were going to move on tomorrow. A few thousand miles of surfaced roads built in the past few years, fringed with filling stations and hot-dog stands, stretch between these squalid camps through endless miles of wilderness and desolation. . . . We have still to build an America worthy of the enterprise and aspirations of our people. . . . Certainly almost everything that has been done so far, impressive or extravagant as it may seem to us in the pinchbeck spirit that prevails today, is obsolete and inadequate for the needs and aspirations of tomorrow."

We have to repeat that in all respects most of our cities which have acted on zoning are "Zoned, but Zoneless."

A Zoning Law Feature

An important feature of the new zoning law, chapter 269, Acts of 1933, provides that "state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or by-law or amendment thereof." Zoning laws require permits for the erection of buildings and structures and the use of buildings, structures and land, to be issued by the building inspector. Many special uses require licenses, such as victualers, the sale of alcoholic beverages, the storage and sale of gasoline, and the erection of billboards. In the past the licensing authorities have at times issued licenses where the building inspector could issue no permit, and applicants have tried to club the inspector into favorable action. The new law means that when the inspector can issue no permit, the licensing authority *shall* issue no license, the law being mandatory. An applicant has to have, in such cases, both a permit and a license. If either is refused he cannot operate. The law requires that both be refused when they would be in violation of law, and the courts are upholding officers who make such refusals.

An unfortunate situation arises in towns where the board of appeals has to authorize the building inspector to issue certain permits and the selectmen still act as a board of appeals. The selectmen are usually the licensing authority. If as a board of appeals they act in error in directing the building inspector to issue a permit, they are apt as selectmen to issue a license, when the law says they "shall" not.

All zoning by-laws should provide for a board of appeals, as required by the statute. The duties of selectmen are incompatible with the duties of a board of appeals, and this particularly applies when the selectmen are the licensing body.

Moreover, some by-laws give far too much latitude to administrative boards. A recent law allows the board of appeals to permit garages, filling stations, both recognized as having high nuisance qualities, tea rooms, multiple dwellings and other things in residence districts. Such a place has no effective zoning.

Zoning Administration

The complicated nature of modern society has necessitated a wide range of administrative law and regulations. The earlier method of law, enforced by special officers and, in case of disagreement, adjudicated by the courts, involved so much court work that it has been found necessary to differentiate and specialize. Numerous minor tribunals have been established, but they are minor only in that they have a limited field. They are, in fact, when properly developed, superior to the older method in that they constantly tend to specialization, which was not formerly possible. Some of these administrative bodies have the power of issuing regulations, which have the full potency of law; and they are thus legislative. They have the power of holding hearings and rendering decisions; they are thus judicial. They have the power of enforcing their decisions; they thus become administrative.

The fields of such law are numerous. Modern zoning laws illustrate the principle. The state enabling law sets up the general principle and the main methods of procedure.

The proper limits of such powers are important. When too wide powers are bestowed, zoning becomes, not a matter of law, but a matter of discretion of men. In one town, for example, there is no differentiation in residential zones, one-family homes being allowed everywhere in the single residential zone, while multiple dwellings and many kinds of businesses may be permitted by the board of appeals. This becomes zoning by men, not by law, and will produce interminable difficulty and mediocre results.

Even where such wide powers are not granted, it is common practice for such bodies to assume the powers and break down the laws. This comes from ignorance, indifference or venality. Such a board properly constituted has great powers, not to do as it pleases, but to enforce a sound law, to protect its community to the fullest possible extent. Great power to protect is an honorable function, great power to destroy is destructive.

It is important, therefore, to bestow only essential and proper powers, and to see to it that all enforcing officers are intelligent, capable and honest. Some places refuse to adopt zoning because they fear they may experience the faulty admin-

istration so frequently seen. One place goes so far as to say that it doesn't trust its officers, that they seem to be fixed in their places, so it refuses to adopt zoning. It is natural to ask, why do the people elect such officers? Some value may be secured from zoning, even where administration is deficient, because many people will observe its provisions. A secondary good will come from its value in showing up the methods of officials. We can make no progress by refusing to give our officers essential things to do, simply because they are not doing well what we already have given them. The only effective course we can follow is to have a proper and full provision of essential things and then to elect officers who will do these things.

Very few administrative bodies have final jurisdiction. This is true of a zoning board of appeals, from whose decision there may be an appeal to the courts. Here another difficulty may arise. Assuming a sound law, and a board of appeals decision in full conformity with law, a court may, frequently does, reverse the decision. The weakness all along the line lies in misunderstanding of the purpose of the law, disbelief in the value of the law, or willingness to sell a decision. Disbelief in the value of a law is more applicable in court cases. In one case a presiding justice opened by expressing a belief against all zoning laws, but held that he would have to proceed with the case because there was a law. Later this same justice was one among several plaintiffs against a violation which injured his home.

The unfairness of maladministration is obvious. A considerable area may be developed for homes, by people who fully observed the law, and who expected the protection of the law. Let us assume an extreme case (unfortunately too common) where a board of appeals, for a sum of money, permits an intrusion into this home district. If the people insist upon the protection of the law which they have obeyed, they have to incur the expense of a court case, while at the same time they are taxed to pay the expenses of the town counsel who defends the board of appeals in its nefarious practices. Even if the town counsel is honest and efficient, and disapproves of the action of the board of appeals, he has to defend the action of the board. It is high time to establish the principle that when the town counsel knows that the board of appeals, the building inspector, or any other officer has violated a law, he shall so state to the court and insist upon justice. It is rare that such a method would result in injustice to the offender, as the decision would be to reverse his action. When we come to make law violation by an official a penal offense, as it should be within limits, the legal officer should see that the offender gets justice, but not too much justice. Under the existing method, when a board of appeals violates a law, the people appeal and the court so decides, the board members should be taxed personally for the costs which would otherwise fall upon citizens who have but sought to secure the due and proper enforcement of law.

A New Law Affecting Zoning

A new section, 14A, chapter 240 of the General Laws, has been enacted. This provides briefly that an owner of land may bring petition in the land court against a city or town for an order or decree to determine the validity of a municipal zoning law. Such a petition shall not be open to objection on the ground that an order is sought without an application for any permit or license under the zoning law. It permits the court to determine the extent to which the law affects the use of property.

The emergency preamble was enacted and the law is in effect. It seems an unwise provision in that it opens the way for interminable assaults upon zoning laws under conditions which are not justifiable.

There is plenty of ground for attack on local laws, but not on the ground implied in this enactment. Many local laws do not go far enough to effectively protect property and welfare as they should. The purpose of this enactment is to lessen the protection rather than to extend it.

An order or decree issued under this provision would amount to a declaratory judgment, that is a declaration of the validity, or possibly in some instances of the purport, of the law. There is little occasion for such procedure in Massachusetts, in the light of the decisions of our own and many other state supreme courts, and of the United States Supreme Court. In Massachusetts we have what amounts to a declaratory judgment in the advisory opinion of our supreme court, 234 Mass.

597, which was rendered while the original enabling law was pending before the Legislature. On top of this we have the decision of the United States Supreme Court in the Euclid Village case, 272 U. S. 365. It was also in effect a declaratory judgment because the suit was brought in the absence of any application of any kind for a permit. It was a general assault on the law. Any zoning law is open to question in case of careless work in its preparation, but in most cases carelessness has resulted in not going far enough rather than in going too far. It seems rather inconsistent to place in the hands of the land court the power, in effect, of overturning the numerous decisions of our highest courts, which uphold every feature of sound and comprehensive modern zoning. The enactment would seem to open the way for much petty annoyance unless perchance decisions under it fall in line with the numerous decisions already recorded. It is a matter which should be watched carefully by local zoning authorities and by the people.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

Amesbury	Danvers	Lexington*	Norwood	Wakefield
Amherst*	Dartmouth*	Longmeadow*	Oak Bluffs*	Walpole*
Andover*	Dedham	Lowell	Paxton*	Waltham
Arlington	Duxbury*	Lynn	Peabody	Watertown
Ashland*	Easthampton	Lynnfield*	Pittsfield	Wayland*
Attleboro	East Longmeadow*	Malden	Plymouth	Webster
Athol	Everett	Manchester*	Quincy	Wellesley
Auburn*	Fairhaven	Mansfield*	Randolph*	Westborough*
Barnstable*	Fall River	Marblehead*	Reading*	West Boylston*
Bedford*	Falmouth*	Medfield*	Revere	Westfield
Belmont	Fitchburg	Medford	Salem	Weston*
Beverly	Frammingham	Melrose	Saugus	West Springfield
Billerica*	Franklin*	Methuen	Scituate*	Westwood*
Boston	Gardner	Middleborough*	Sharon*	Weymouth
Bourne*	Gloucester	Milford	Shrewsbury*	Wilbraham*
Braintree	Great Barrington*	Millis*	Somerville	Wilmington*
Bridgewater*	Greenfield	Milton	Southbridge	Winchester
Brockton	Hanover*	Natick	Springfield	Winthrop
Brookline	Haverhill	Needham	Stockbridge*	Woburn
Cambridge	Hingham*	New Bedford	Stoneham	Worcester
Canton*	Holyoke	Newton	Stoughton*	Yarmouth*
Carlisle*	Hudson*	North Adams	Sudbury*	
Chicopee	Hull*	Northampton	Swampscott	
Clinton	Lawrence	North Attleborough	Taunton	
Concord*	Leominster	Northbridge*	Tisbury*	

* Under 10,000 population.

No BOARDS: Adams, Chelsea, Marlborough, Newburyport.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

COMPREHENSIVE		COMPREHENSIVE—Cont.		PARTIAL	
Brockton	Nov., 1920	Lynnfield	Nov., 1929	Marshfield	June, 1926
Brookline	May, 1922	Franklin	Mar., 1930	Fall River	Sept., 1927
Longmeadow	July, 1922	Wilbraham	Feb., 1931		
Springfield	Dec., 1922	Natick	Mar., 1931		
Newton	Dec., 1922	Hull	Mar., 1931		
West Springfield	May, 1923	Westfield	Aug., 1931		
Cambridge	Jan., 1924	Great Barrington	Mar., 1932		
Lexington	Mar., 1924	Carlisle	Feb., 1933		
Melrose	Mar., 1924	Sharon	Mar., 1933	Amesbury	
Winchester	Mar., 1924	Wilmington	July, 1934	Amherst	
Arlington	May, 1924	Wayland	Sept., 1934	Andover	
Boston	June, 1924			Attleboro	
Woburn	Jan., 1925			Beverly	
Belmont	Jan., 1925			Billerica	
Needham	Mar., 1925			Bourne	
Walpole	Mar., 1925			Braintree	
Stoneham	Mar., 1925			Canton	
Waltham	July, 1925	Milton	July, 1922	Chatham	
Haverhill	Oct., 1925	Holyoke	Sept., 1923	Chelsea	
Medford	Oct., 1925	Swampscott	Apr., 1924	Chicopee	
Wakefield	Nov., 1925	Dedham	May, 1924	Clinton	
North Adams	Dec., 1925	Chelsea	June, 1924	Duxbury	
Somerville	Dec., 1925	Paxton	Dec., 1924	Easthampton	
New Bedford	Dec., 1925	Worcester	Dec., 1924	Fitchburg	
Watertown	Jan., 1926	Wellesley	Mar., 1925	Frammingham	
Fairhaven	Feb., 1926	Salem	Nov., 1925	Gardner	
Falmouth	Apr., 1926	Hudson	Mar., 1927	Hingham	
Reading	May, 1926	Bedford	Mar., 1928	Leominster	
Lynn	June, 1926	Middleton	Apr., 1933	Littleton	
Lowell	July, 1926	Stockbridge	Feb., 1934	Manchester	
Everett	July, 1926			Marion	
Norwood	May, 1927			Medfield	
Gloucester	Nov., 1927			Middleborough	
Pittsfield	Dec., 1927			Nahant	
Marblehead	Apr., 1928			Northampton	
Weston	Apr., 1928			North Attleborough	
Concord	Apr., 1928	Taunton	Sept., 1925	Plymouth	
Agawam	Apr., 1928	Marlborough	Jan., 1927	Quincy	
East Longmeadow	Apr., 1928	Andover	Mar., 1927	Scituate	
Saugus	June, 1928	Petersham	Mar., 1927	Shrewsbury	
Lincoln	Mar., 1929	Oak Bluffs	Apr., 1927	Southbridge	
Westwood	Mar., 1929	Northampton	Sept., 1927	Sudbury	
Revere	July, 1929	Barnstable	June, 1929	Wenham	
Winthrop	Oct., 1929	Attleboro	May, 1930	Westborough	
		Peabody	June, 1930	Yarmouth	
		Sudbury	Mar., 1931		